

§ 4.3

are required to be served on the Department of Health and Human Services or the Secretary of Health and Human Services in his official capacity should be served as follows:

(a) If authorized by law to be served by mail, any mailed process should be sent to the General Counsel, Department of Health and Human Services, 200 Independence, S.W., Washington, DC 20201.

(b) If served by an individual, the process should be delivered to the staff of the correspondence control unit in the Office of the General Counsel, Room 711-E, 200 Independence Avenue, S.W., Washington, DC, or, in the absence of that staff, to any Deputy General Counsel or secretary to any Deputy General Counsel of the Department.

§ 4.3 Process against Department officials in their individual capacities.

Process to be served on Department officials in their individual capacities must be served in compliance with the requirements for service of process on individuals who are not governmental officials. The Office of the General Counsel is authorized but not required to accept process to be served on Departmental officials in their individual capacities if the suit relates to an employee's official duties.

§ 4.4 Acknowledgement of mailed process.

The Department will not provide a receipt or other acknowledgement of process received, except for a return receipt associated with certified mail and, where required, the acknowledgement specified by Rule 4(c)(2)(C) of the Federal Rules of Civil Procedure.

§ 4.5 Effect of regulations.

The regulations in this part are intended solely to identify Department officials who are authorized to accept service of process. Litigants must comply with all requirements pertaining to service of process that are established by statute and court rule even though they are not repeated in these regulations.

45 CFR Subtitle A (10–1–02 Edition)

§ 4.6 Materials related to petitions under the National Vaccine Injury Compensation Program.

Notwithstanding the provisions of §§ 4.1, 4.2, and 4.3, service of the Secretary's copies of petitions for compensation under the National Vaccine Injury Compensation Program and of related filings, whether by mail or in person, shall be upon the Director, Bureau of Health Professions, 5600 Fishers Lane, Suite 8–05, Rockville, Maryland 20857.

[53 FR 49552, Dec. 8, 1988]

PART 5—FREEDOM OF INFORMATION REGULATIONS

Subpart A—Basic Policy

Sec.

5.1 Purpose.

5.2 Policy.

5.3 Scope.

5.4 Relationship between the FOIA and the Privacy Act of 1974.

5.5 Definitions.

Subpart B—Obtaining a Record

5.21 How to request records.

5.22 Requests not handled under the FOIA.

5.23 Referral of requests outside the Department.

5.24 Responding to your request.

Subpart C—Release and Denial of Records

5.31 Designation of authorized officials.

5.32 Release of records.

5.33 Denial of requests.

5.34 Appeal of denials.

5.35 Time limits.

Subpart D—Fees

5.41 Fees to be charged—categories of requests.

5.42 Fees to be charged—general provisions.

5.43 Fee schedule.

5.44 Procedures for assessing and collecting fees.

5.45 Waiver or reduction of fees.

Subpart E—Records Available for Public Inspection

5.51 Records available.

5.52 Indexes of records.

Subpart F—Reasons for Withholding Some Records

5.61 General.